

HOUSE No. 1609

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel M. Donahue

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act updating overtime protections to protect the Commonwealth's middle class workers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>

<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>

HOUSE No. 1609

By Mr. Donahue of Worcester, a petition (accompanied by bill, House, No. 1609) of Daniel M. Donahue and others relative to overtime protections for certain middle class workers. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act updating overtime protections to protect the Commonwealth's middle class workers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The second paragraph of section 1A of chapter 151 of the General Laws, as
2 appearing in the 2016 Official Edition, is hereby amended by striking out clauses (1), (7), (9),
3 (12), (13), (14), (15), (16) and (17), and renumbering the remaining clauses in consecutive order.

4 SECTION 2. Section 1A of chapter 151 of the General Laws, as so appearing, is hereby
5 amended by striking out, in line 29, the words “eighty dollars per week” and by inserting in place
6 thereof the following words:-

7 the salary threshold established by section 1C of this chapter; provided, however, that an
8 employee who teaches as an adjunct or non-tenure-track faculty member at a college or
9 university shall not qualify as an exempt executive, administrative or professional person or
10 qualified trainee for such position.

11 SECTION 3. Chapter 151 of the General Laws is hereby amended by inserting after
12 section 1B the following section:-

13 Section 1C. Overtime pay salary threshold for executive, administrative or professional
14 exemption.

15 For purposes of section 1A of this chapter, the salary threshold below which a bona fide
16 executive, or administrative or professional person or qualified trainee for such position shall
17 automatically be subject to the overtime pay requirements of said section shall be regular
18 compensation that, when converted to an annual, full-time equivalent rate, equals the overtime
19 threshold rate established by the second paragraph of this section, any higher rate that the
20 commissioner shall establish by regulation, or the annualized rate established by the United
21 States Department of Labor under the federal Fair Labor Standards Act, whichever is higher.

22 Beginning January 1, 2021, the overtime threshold rate shall be no less than \$35,000;
23 beginning January 1, 2022, the overtime threshold rate shall be no less than \$45,000; beginning
24 January 1, 2023, the overtime threshold rate shall be no less than \$55,000; beginning January 1,
25 2024, the overtime threshold rate shall be no less than \$64,000. Beginning January 1, 2025, and
26 each January 1 thereafter, the overtime threshold rate shall be no less than the higher of the
27 following rates: the annual earnings of a full-time employee employed for 2080 hours per year at
28 2 times the minimum wage established under section 1 of this chapter, or the overtime threshold
29 rate from the preceding year increased by the percentage annual increase, if any, in the second
30 quartile of the usual weekly earnings for full-time wage and salary workers, or its successor
31 index, as published by the United States Department of Labor, Bureau of Labor Statistics, or its
32 successor agency, with the amount of the overtime threshold rate increase rounded to the nearest
33 dollar.